

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANNEBELLE V. DUNCAN,

Petitioner,

vs.

Case No. 03-CV-74065
HON. GEORGE CARAM STEEH
Crim. No. 00-CR-80541

UNITED STATES OF AMERICA,

Respondent.

_____ /

ORDER DENYING CERTIFICATE OF APPEALABILITY AS
TO SEPTEMBER 9, 2005 ORDER (#305)
DENYING MOTION FOR RECONSIDERATION

Petitioner Annabelle Duncan's October 8, 2003 petition for relief under 28 U.S.C. § 2255 was dismissed by the court on October 6, 2004. The court also denied a certificate of appealability on October 6, 2004. See October 6, 2004 Opinion and Order, at 9. The Sixth Circuit Court of Appeals denied a certificate of appealability as to the dismissal of petitioner's § 2255 claim on February 17, 2005. Six months later, on August 10, 2005, petitioner filed letters with the court asking, in effect, for reconsideration of the October 6, 2004 Order of dismissal. This court denied petitioner's request for reconsideration on September 9, 2005 finding petitioner failed to raise any new claims or arguments. Petitioner has filed a Notice of Appeal challenging the court's September 9, 2005 denial of her request for reconsideration.

Before petitioner may appeal the September 9, 2005 decision, a certificate of appealability must issue. 28 U.S.C. §2253(c)(1)(B); Fed. R. App. P. 22(b). A certificate of

appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2). Petitioner has made no such showing.

Accordingly, a certificate of appealability is hereby DENIED.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: January 23, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on January 23, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk